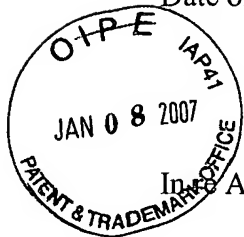"Express Mail" Mailing Label No.: EV815962687US

Date of Deposit: January 8, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Gottlieb et al.)	
)	Examiner: R. Pitaro
Serial No.: 10/038,527)	
)	Group Art Unit: 2174
Filed: January 2, 2002)	
)	

For: Methods for Identifying Cells in a)
          Path in a Flowchart and for)
          Synchronizing Graphical and)
          Textual Views of a Flowchart)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

REMARKS

I.   35 U.S.C. § 103(a) Rejections Based on MacLennan and Mayhew et al.

A.   There Is No Motivation for Combining MacLennan and Mayhew et al.

Before turning to this argument, Applicants note that they raised this argument in a response to the previous Office Action. Significantly, the Examiner did not address this argument in the Response to Arguments section in the current Office Action.

Turning now to the argument, in the Office Action, it was admitted that MacLennan does not teach receiving, *from a user*, a selection of a cell in the flowchart. According to the Office Action, the purported selection of a cell is performed by a processor when the flowchart is executed. The "selected" cell is indicated by a dashed line, which indicates that a particular cell is being executed. In this way, the dashed line is an indicator of the progress through the flowchart during flowchart execution.

Mayhew et al. teaches a user selecting an icon in a flow chart to perform a specific job in a complex software installation process, and this teaching was relied upon in an attempt to cure the admitted deficiency in MacLennan. However, one skilled in the art would not have been motivated to combine MacLennan and Mayhew et al. to cure this admitted deficiency because MacLennan teaches away from this modification. MacLennan specifically states that the "selected cell" is "an indicator of the progress of entity 60 through flowchart 26 during flowchart execution." Col. 3, lines 44-50. In this way, the processor "selects" the cell to show the user where the processor is in the execution of the flowchart. Under the proposed modification, instead of the processor selecting the cell to indicate which cell is being executed, the user would need to select the cell — essentially guessing which cell the processor is executing. This would

be contrary to the basic operating principle of MacLennan. The basic operating principle of MacLennan is to provide a user with an indication of the progress of the processor along a flowchart. The proposed combination would completely remove this feature. Further, there is absolutely no reason why one skilled in the art would require a user to select a cell by guessing which cell the processor is executing. To use an analogy, the dashed line/"selected cell" in MacLennan is like a "you are here" dot on a map. In MacLennan, the dot is placed on the map by someone who knows where to put the dot. Under the proposed combination, the dot is placed on the map by someone who is lost and does not know where the dot belongs.

B.   The Purported Motivation in the Office Action Is Deficient

In the Office Action, it was asserted that one skilled in the art would have been motivated to combine MacLennan and Mayhew et al. because using the "path highlighting" teaching of Mayhew et al. with MacLennan would "provide a quick way of notifying the user of which cells are in the path." However, this result is not achievable by the proposed combination.

Mayhew et al. teaches the use of a flow chart as a "to-do" list for complex software installation. In Mayhew et al., the flow chart is a series of icons that are displayed to a user, where each icon represents a job to be performed in the installation process. The icons are arranged in the order in which the jobs must be performed for a successful installation. To run a job, the user selects an icon, activates a pull-down menu, and then selects a "run" option. When the job is completed, the icon is shaded or otherwise displayed differently, so that the user is able to quickly determine which jobs are left to do by glancing at the flow chart.

It is important to note that Mayhew et al. does not "determine a path" when an icon is selected — it merely shades the icon after the associated job is completed. Shading an icon (the purported "cell") after its associated job is completed does not require determining a path since

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the shading of the icon depends solely on that particular icon and not on other icons on the same or different path. Further, a path is not "inherently highlighted" when a series of icons is shaded, as asserted in the Office Action, because a given shaded icon may or may not be on a path of a previously-shaded icon. Accordingly, although the Office Action characterizes Mayhew et al. as teaching "*path* highlighting," Mayhew et al. is more accurately characterized as teaching "*cell* highlighting." Because Mayhew et al. only teaches "*cell* highlighting" and *not* "*path* highlighting," combining Mayhew et al. with MacLennan will not "provide a quick way of notifying the user of which cells are in the path," as asserted in the Office Action. Accordingly, the motivation set forth in the Office Action is insufficient.

Applicants additionally note that similar cell-highlighting functionality is already present in MacLennan. As noted in the Office Action, MacLennan displays a dashed line around a "selected" cell in the flowchart. Since MacLennan already contains cell-highlighting functionality, one skilled in the art would not have been motivated to combine Mayhew et al. with MacLennan as there is no motivation to add an already-existing feature to MacLennan. Further, the same deficiencies that are present in MacLennan would accordingly be present in Mayhew et al.

II.   35 U.S.C. § 103(a) Rejections Based on allClear, Rochford et al., and Otha

As stated in MPEP 2141.01(a), in order to rely on a reference as a basis for rejection, the reference must be in the field of Applicants' endeavor or be reasonably pertinent to the particular problem with which the inventors were concerned. The field of Applicants' endeavor is a flowchart with at least some cells that comprise instructions that are implemented by an application. In contrast, Rochford et al. is directed to a graphical user interface for displaying historical and current performance information for a route in a communications network.

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Rochford et al. is not in the field of Applicants' endeavor, as Rochford et al. does not relate to a flowchart with at least some cells that comprise instructions that are implemented by an application. Page ten of the Office Action admits the non-analogous nature of Rochford et al.: "[the proposed combination including Rochford et al.] fails to distinctly point out at least some of the cells in the flowchart comprising instructions that are implemented by an application."

Rochford et al. is also not reasonably pertinent to the particular problem with which the inventors were concerned. As indicated by the preamble of Claim 82, the problem with which the inventors were concerned relates to building a flowchart along a single path. In contrast, Rochford et al. relates to viewing historical and current performance information for a route in a communications network. As such, Rochford et al. is not reasonably pertinent to the particular problem of building a flowchart. One skilled in the art looking to build a flowchart along a single path would not turn to a reference that displays historical and current performance information for a route in a communications network because such a reference neither relates to flowcharts nor to user-created cells with computer-executable instructions that are arranged along a path.
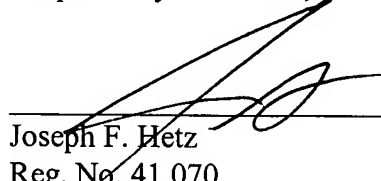
III.   Conclusion

In view of the foregoing remarks, Applicants submit that the rejections of the claims should be removed.

Dated: January 8, 2007   Respectfully submitted,

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